

FIRST REGULAR SESSION

# HOUSE BILL NO. 1013

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES CRUMP AND HAMPTON (Co-sponsors).

Read 1<sup>st</sup> time March 15, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2286L.021

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### AN ACT

To repeal sections 571.030 and 571.070, RSMo 2000, and to enact in lieu thereof two new sections relating to weapons, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 571.030 and 571.070, RSMo 2000, are repealed and two new sections enacted in lieu thereof, to be known as sections 571.030 and 571.070, to read as follows:

571.030. 1. A person commits the crime of unlawful use of weapons if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

**(5) Exhibits, in the presence of one or more persons, while on any school bus, or on the premises of any school or on the premises of any function or activity sponsored or sanctioned by school officials or the district school board, a firearm readily capable of lethal use in an angry or threatening manner; or**

**[(5)] (6)** Possesses or discharges a firearm or projectile weapon while intoxicated; or

**[(6)] (7)** Discharges a firearm within one hundred yards of any occupied schoolhouse,

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

17 courthouse, or church building; or

18       [(7)] (8) Discharges or shoots a firearm at a mark, at any object, or at random, on, along  
19 or across a public highway or discharges or shoots a firearm into any outbuilding; or

20       [(8)] (9) Carries a firearm or any other weapon readily capable of lethal use into any  
21 church or place where people have assembled for worship, or into any election precinct on any  
22 election day, or into any building owned or occupied by any agency of the federal government,  
23 state government, or political subdivision thereof, or into any public assemblage of persons met  
24 for any lawful purpose; or

25       [(9)] (10) Discharges or shoots a firearm at or from a motor vehicle, as defined in section  
26 301.010, RSMo, while within any city, town, or village, and discharges or shoots a firearm at any  
27 person, or at any other motor vehicle, or at any building or habitable structure, unless the person  
28 was lawfully acting in self-defense; or

29       [(10)] (11) Carries a firearm, whether loaded or unloaded, or any other weapon readily  
30 capable of lethal use into any school, onto any school bus, or onto the premises of any function  
31 or activity sponsored or sanctioned by school officials or the district school board[.]; or

32       **(12) Carries a firearm, readily capable of lethal use, into any school, onto any**  
33 **school bus, or onto the premises of any function or activity sponsored or sanctioned by**  
34 **school officials or the district school board with the intent to use it.**

35       2. Subdivisions (1), (3), (4), [(6), (7), (8), (9) and (10)] **(5), (7), (8), (9), (10), (11) and**  
36 **(12)** of subsection 1 of this section shall not apply to or affect any of the following:

37       (1) All state, county and municipal law enforcement officers possessing the duty and  
38 power of arrest for violation of the general criminal laws of the state or for violation of  
39 ordinances of counties or municipalities of the state, or any person summoned by such officers  
40 to assist in making arrests or preserving the peace while actually engaged in assisting such  
41 officer;

42       (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other  
43 institutions for the detention of persons accused or convicted of crime;

44       (3) Members of the armed forces or national guard while performing their official duty;

45       (4) Those persons vested by article V, section 1 of the Constitution of Missouri with the  
46 judicial power of the state and those persons vested by article III of the Constitution of the United  
47 States with the judicial power of the United States, the members of the federal judiciary;

48       (5) Any person whose bona fide duty is to execute process, civil or criminal;

49       (6) Any federal probation officer;

50       (7) Any state probation or parole officer, including supervisors and members of the  
51 board of probation and parole; and

52       (8) Any corporate security advisor meeting the definition and fulfilling the requirements

53 of the regulations established by the board of police commissioners under section 84.340, RSMo.

54         3. Subdivisions (1), [(5), (8) and (10)] **(6), (9), (11) and (12)** of subsection 1 of this  
55 section do not apply when the actor is transporting such weapons in a nonfunctioning state or in  
56 an unloaded state when ammunition is not readily accessible or when such weapons are not  
57 readily accessible. Subdivision (1) of subsection 1 of this section does not apply when the actor  
58 is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game,  
59 or is in his dwelling unit or upon business premises over which the actor has possession,  
60 authority or control, or is traveling in a continuous journey peaceably through this state.  
61 [Subdivision (10)] **Subdivisions (11) and (12)** of subsection 1 of this section [does] **do** not apply  
62 if the firearm is otherwise lawfully possessed by a person while traversing school premises for  
63 the purposes of transporting a student to or from school, or possessed by an adult for the  
64 purposes of facilitation of a school-sanctioned firearm- related event.

65         4. Nothing in this section shall make it unlawful for a student to actually participate in  
66 school-sanctioned gun safety courses, student military or ROTC courses, or other  
67 school-sponsored firearm-related events, provided the student does not carry a firearm or other  
68 weapon readily capable of lethal use into any school, onto any school bus, or onto the premises  
69 of any function or activity sponsored or sanctioned by school officials or the district school  
70 board.

71         5. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision  
72 [(5), (6), (7) or (8)] **(6), (7), (8) or (9)** of subsection 1 of this section, in which cases it is a class  
73 B misdemeanor, or subdivision [(10)] **(11)** of subsection 1 of this section, in which case it is a  
74 class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or  
75 subdivision [(9)] **(10)** of subsection 1 of this section, in which case it is a class B felony, except  
76 that if the violation of subdivision [(9)] **(10)** of subsection 1 of this section results in injury or  
77 death to another person, it is a class A felony[.], **or subdivision (5) or (12) of subsection 1 of**  
78 **this section in which case it is a felony for which the authorized term of imprisonment is**  
79 **a term of years not less than five and not to exceed seven years.**

80         6. Violations of subdivision [(9)] **(10)** of subsection 1 of this section shall be punished  
81 as follows:

82         (1) For the first violation a person shall be sentenced to the maximum authorized term  
83 of imprisonment for a class B felony;

84         (2) For any violation by a prior offender as defined in section 558.016, RSMo, a person  
85 shall be sentenced to the maximum authorized term of imprisonment for a class B felony without  
86 the possibility of parole, probation or conditional release for a term of ten years;

87         (3) For any violation by a persistent offender as defined in section 558.016, RSMo, a  
88 person shall be sentenced to the maximum authorized term of imprisonment for a class B felony

89 without the possibility of parole, probation, or conditional release;

90 (4) For any violation which results in injury or death to another person, a person shall  
91 be sentenced to an authorized disposition for a class A felony.

92 7. Any person knowingly aiding or abetting any other person in the violation of  
93 subdivision [(9)] **(10)** of subsection 1 of this section shall be subject to the same penalty as that  
94 prescribed by this section for violations by other persons.

571.070. 1. A person commits the crime of unlawful possession of a concealable firearm  
2 if he **or she** has any concealable firearm in his **or her** possession and:

3 (1) He **or she** has pled guilty to or has been convicted of a dangerous felony, as defined  
4 in section 556.061, RSMo, or of an attempt to commit a dangerous felony, or of a crime under  
5 the laws of any state or of the United States which, if committed within this state, would be a  
6 dangerous felony, or confined therefor in this state or elsewhere during the five-year period  
7 immediately preceding the date of such possession; or

8 (2) **At the same time he or she possesses or has under his or her control any**  
9 **controlled substance except thirty-five grams or less of marijuana; or**

10 (3) He **or she** is a fugitive from justice, is habitually in an intoxicated or drugged  
11 condition, or is currently adjudged mentally incompetent.

12 2. Unlawful possession of a concealable firearm **committed pursuant to subdivisions**  
13 **(1) and (2) of subsection 1 of this section, is a felony for which the authorized term of**  
14 **imprisonment is a term of years not less than five years and not to exceed seven years;**  
15 **unlawful possession of a concealable firearm committed pursuant to subdivision (3) of**  
16 **subsection 1 of this section is a class C felony.**